IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

OP.No. 7170 of 2001(C)

PETITIONER:

JOYMAT HOTELS RESORTS LIMITED,
JOYMAT NAGAR, HILLTOP, EDATHALA,
COCHIN, ERNAKULAM DISTRICT, REP.BY
ITS MANAGING DIRECTOR, JOY MATHEW,
AGED 67 YEARS, SON OF MATHEW.

BY ADV. SRI.C.C.THOMAS
SRI.JOSEPH GEORGE
SMT.T.NISHA
SRI.M.G.KARTHIKEYAN
SRI.P.J.FRANCIS

RESPONDENTS:

REGISTRAR OF COMPANIES (KERALA),
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.K.RAMAKUMAR, SCGSC
SRI.K.RAMAKUMAR,SCGSC
SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, ASSISTANT SG

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

O.P. No. 7170 OF 2001 C

Dated this the 2nd day of January, 2007

J U D G M E N T

The petitioner, which is a Company registered under the Companies Act, filed this original petition challenging the demand for filing fee for increase of authorised share capital of the Company. The petitioner's allegation was that fee has been demanded as per the amended Act whereas the increase in share capital was effected before that date. The stand taken by the respondent was that fee is payable as on the date of filing of Form-5 application, which is after the date of amendment of the concerned provision in the Companies Act. However, when the matter was taken up for hearing today, the learned counsel for the petitioner submits that the Company is already in liquidation. That being so, it would be only appropriate for the petitioner to take up the matter with the Company Court where winding up proceedings are pending, appropriately. Without prejudice to such rights of the Company either through the Managing Director or through the Official Liquidator, this original petition is closed.

(S. SIRI JAGAN, JUDGE)

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S. SIRI JAGAN , J.

OP No.7170/01 C

J U D G M E N T

2nd January, 2007